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BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF
NEWCASTLE ASSOCIATES FOR THE AUTHORIZATION
AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS
GENERAL LAWS (TER.ED.) CHAPTER 121A, AS AMENDED,
AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN
AND CARRIED OUT BY A LIMITED PARTNERSHIP
FORMED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER
109 AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT
LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A

A. The Hearing. A public hearing was held at 2:30 P.M. on Thursday, April 27, 1972, in the offices of the Boston Redevelopment Authority (hereinafter called "the Authority") at Room 921, City Hall, Boston, Massachusetts, by the Authority on an Application (hereinafter called "the Application") filed by Newcastle Associates (hereinafter called "the Applicants") for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called "the Project"), to be undertaken by the Applicant, a Limited Partnership formed under Chapter 109 of the General Laws of the Commonwealth of Massachusetts, and for approval for the Applicant to act as an Urban Redevelopment Limited Partnership under Section 18C of said Chapter 121A, due notice of said hearing having been given previously by publication on April 12 and April 19, 1972, in the Boston Herald Traveler, a daily newspaper of general circulation published in Boston, and mailing postage prepaid, in accordance with Rule 8 of the Rules and Regulations of the Authority for securing the

approval of Chapter 121A Projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended.

Robert L. Farrell, Chairman of the Authority, and Patrick Bocanfuso, Paul J. Burns, James G. Colbert, and Joseph J. Walsh, members of the Authority were present throughout the hearing.

B. The Project. The Project consists of the purchase from the Authority by Newcastle Associates of land with buildings thereon in the South End Urban Renewal Area, located at 599-627 Columbus Avenue, and identified as Disposition Parcels 57 and 59 of the South End Urban Renewal Area. The Project further consists of the rehabilitation, operation and maintenance by Newcastle Associates of these two structures, known as the Saranac and Newcastle Court buildings, containing approximately 105 dwelling units with appurtenant facilities including ground floor commercial space, landscaping, walkways, and parking. The property is shown on the plans filed as Exhibit A of the Application.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority have also viewed the Project Area.

D. The Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of said Chapter 121A, Section 1, of the General Laws, providing, as it does, for the rehabilitation, operation and maintenance of decent, safe and sanitary residential buildings in part of a larger area which was previously declared to be a substandard and decadent area under Chapter 121B of the General Laws by the Authority on September 23, 1965. This finding was concurred in by the Boston City Council in its resolution approving the South End Urban Renewal Plan, and by the State Housing Board, and the Project Area has been or will be taken by eminent domain or acquired by purchase, in furtherance of said Urban Renewal Plan.

Conditions exist which warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws and the Application constitutes a "project" within the meaning of that law. As stated above, the Project Area is included within a larger area which the Authority is already found to be substandard and decadent under the provisions of Chapter 121B and has been or will be taken by eminent domain or acquired by purchase. The purposes of Chapter 121A and Chapter 652 of the Acts of 1960, as amended, will be met by the carrying out of the Project as it will provide desirable housing accomodations for low and moderate income families, of which there is a serious shortage in the City of Boston and in the South End Urban Renewal Area.

E. Cost of the Project. In the opinion of the Authority, the cost of the project has been realistically estimated in the Application and the Project is practicable. The Applicants have obtained a commitment from the Massachusetts Housing Finance Agency for both construction and permanent mortgage financing in the amount of \$1, 573, 596.00, and have further sought mortgage interest subsidy funds under Section 236 of the National Housing Act. The balance of the funds required in addition to those obtained from the Massachusetts Housing Finance Agency mortgage financing, approximately \$175,000.00, will be made available to the limited partnership by contributions from the limited partners. The re-use price for the property approved by both the Authority and the Department of Housing and Urban Development will be paid to the Authority simultaneously with the conveyance of the Project Area by the Authority to Newcastle Associates.

F. Master Plan. The Project does not conflict with the Master Plan of the City of Boston. In resolutions adopted by the Authority on September 23, 1965, approving the South End Urban Renewal Plan, it was found and determined that such Urban Renewal Plan conforms to the Master Plan, as amended, for the locality. The Project in turn, conforms to the South End Urban Renewal Plan, as amended.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the public

safety or convenience or be inconsistent with the most suitable development of the City. The Project will in fact promote the best interests of the City and will constitute a public use and benefit. The structures to be rehabilitated are presently substandard and unsanitary. When rehabilitated according to the proposal, these buildings will be decent, safe, and attractive, which, together with appropriate landscaped areas and walkways will enhance the general appearance of the Project Area and furnish necessary accomodations for families of low and moderate income. The Project will, further, by increasing the value of these structures, increase the tax base of the city. Although the 121A Project will legally be tax-exempt, by agreeing to make payments in lieu of taxes, as required by the Statute, the Project will increase the City's income from these properties.

Exhibit E sets forth the amounts which the Partnership proposes to pay by agreement to the City of Boston, in addition to the excise prescribed by Section 10 of Chapter 121A.

The carrying out of the Project will not involve the demolition of buildings occupied in whole or in part. The proposal, rather, calls for the rehabilitation of these structures. All of the families now resident in the Project Area will be satisfactorily relocated in accordance with the South End Urban Renewal Plan and the applicable regulations of the Department of Housing and Urban Development. The Project will provide approximately 105 rehabilitated dwelling units within the Project Area.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston, or for any other highway construction.

H. Minimum Standards. The minimum standards for financing, construction work, maintenance, and management of the Project as set forth in Exhibit D filed with and attached to the Application are hereby adopted and imposed as rules and regulations (in addition to those hereinafter adopted and imposed) applicable to the Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended. The Authority hereby approves any financing made pursuant to Paragraph 8 of the Application through the Massachusetts Housing Finance Agency.

The carrying out of the Project will not require the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Application contains no request that the Authority declare the units separate buildings for the purposes of Chapter 138 of the General Laws.

I. Deviations. Exhibit C filed with and attached to the Application, sets forth requests for the Project to deviate from zoning, building and other regulations in effect in the City of Boston. Said Exhibit C, listing these requests, is attached hereto as Schedule A.

The Authority is satisfied, by reliable and generally accepted tests, or by experience in other cities, and on other projects, that the designs, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, and in the evidence presented at the hearing will sufficiently satisfy the purpose for which it or they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations respectively. The Authority further takes note of the fact that the Project involves rehabilitation of structures which were originally constructed prior to the adoption of the current zoning, building and other codes and regulations of the City of Boston, and which for that reason may not conform in all respects to the aforesaid codes and regulations. The Authority therefore grants permission hereby for the Project to deviate from those codes and regulations of the City of Boston specified in Schedule A attached hereto and made a part hereof.

The Authority hereby finds that the Application and the Project conform to and comply with each and every applicable

requirement of Chapter 121A of the General Laws, Chapter 652 of the Acts of 1960, as amended, and the applicable Rules and Regulations of the Authority; and the Authority for these reasons and for the reasons set forth in the Application and the supporting documents, and the evidence presented at the hearing, and in this report, hereby approves the Project, consents to the undertaking of the Project by the Applicant, a limited partnership to be formed under Chapter 109 of the General Laws of the Commonwealth, and authorizes the said limited partnership to act as an Urban Redevelopment Partnership under Chapter 121A of the General Laws of the Commonwealth.

EXHIBIT C

REQUEST FOR PERMISSION TO RECEIVE VARIANCE FROM
BOSTON ZONING CODE

Article 8

Regulation of uses -- Permission to convert dwelling structures for more families under use Item 8, also permission to carry on use Item 44 in an H district.

Change of use variance is required to add apartments on ground floor of Saranac Building, by utilizing existing spaces and minor additions. These apartments will fill a program need for smaller units in the Saranac Building, where Newcastle Court modifications will result in a net decrease of two units over the entire project. Also, variance will allow continuation of existing dry cleaning establishments under proposed zoning.

Increase in number of dwelling units:
609 Columbus Avenue 7 D.U.'s to 8 D.U.'s
613 Columbus Avenue 8 D.U.'s to 10 D.U.'s
615 Columbus Avenue 8 D.U.'s to 10 D.U.'s
625 Columbus Avenue 8 D.U.'s to 10 D.U.'s
627 Columbus Avenue 8 D.U.'s to 9 D.U.'s

Article 11

Signs -- Permission to waive limitation of signs in a residential district.

Variance will allow dry cleaner to display sign.

Article 18

Front Yards -- Permission to waive requirements for minimum depth of front yards.

Variance result of existing, pre-code condition.

Front yard required by code is 15'. Newcastle Court has 5' front yard; Saranac Building has 0' front yard.

Article 18-3

Traffic visibility across corner -- Permission to waive front yard requirements for building on a corner lot.

Variance result of existing, pre-code condition.

Front yard at corner of Saranac Building is 0'.

Article 19

Side yards -- Permission to waive requirements for minimum depth of side yards.

Variance result of existing pre-code condition.

Side yard required by code is 13' Saranac, 16' Newcastle. Both buildings have 0' side yard on Northampton Street.

Article 21

Setbacks -- Permission to waive requirements for minimum setback.

Variance result of existing pre-code condition.

Setback required by code is 56' Saranac, 20' Newcastle. Saranac has 0' setback, Newcastle has 5' setback.

SCHEDULE A

REQUEST FOR PERMISSION TO RECEIVE VARIANCES FROM
BOSTON BUILDING CODE

Article 23

Off street parking -- Permission to waive requirements for off street parking.

Variance due to limited lot size.

Off street parking required by code is 63 spaces; project provides 51 spaces off street, plus approximately 15 spaces on dead end portion of Northampton Street between buildings.

Article 221.2

General height and area limitations -- Permission to waive limitation of D-2 occupancy to building of Type 3B of 3 stories or less.

Variance necessary for continuation of dry cleaning establishment.

Saranac Building is 4 story 3B construction. D-2 occupancy will be confined to the first floor.

Article 413.2.3

Low Hazard -- Permission to waive requirement that low hazard dry cleaning establishments meet requirements of industrial occupancy group D-2 buildings.

Same reason as for 221.2.

Article 518.1.1

Courts -- minimum width -- Permission to waive requirement that requires court have minimum width of 3 inches for each foot of height.

Variance result of existing, pre-code condition.

Average court width is 11'-0". Width required by code for 50' height is 12'-6" minimum.

Article 518.2

Area of court -- Permission to waive requirement that the cross sectional area of a court shall not be less than 1-1/2 times the square of its required minimum width, and that the length of any court not be more than twice its minimum width.

Variance result of existing, pre-code condition.

Length of courts is 32', width is 11'.

Article 610.2.1

Determination of exit way and access requirements -- Permission to waive requirement for 36" minimum width of exit way for occupancy group L-2 building.

Variance result of existing, pre-code condition.

Rear stairs in Saranac are 30" wide.

EXHIBIT C - page three

REQUEST FOR PERMISSION TO RECEIVE VARIANCES FROM
BOSTON BUILDING CODE

Article 618.0	Interior Exit May Stairways. Variance result of existing, pre-code conditions. (See below.)
Article 618.2.1	Width -- Permission to waive requirement that required stairways shall be not less than forty-four (44) inches in width. Variance result of existing, pre-code condition. Rear stairs Saranac are 30" wide, other stairs are 36" to 40" wide.
Article 618.3.2	Vertical rise -- Permission to waive requirement that no stairway shall have more than fifteen (15) risers nor less than three (3) risers between landings. Variance result of existing, pre-code condition. Rear stairs Saranac have more than 15 risers between landings.
Article 618.3.3	Permission to waive requirement that landings and platforms be enclosed on sides by walls, grills or guards at least three (3) feet high. Variance result of existing, pre-code condition. Existing guards and rails are 30" to 40" in height.
Article 618.4.2	Winders -- Permission to waive requirement that no winders be permitted in required exit way stairs. Variance result of existing, pre-code condition.. Winders exist in front stairs Newcastle and rear stairs Saranac.
Article 618.5.2	Guard Details -- Permission to waive requirement that guards be not less than forty-two (42) inches high. Variance result of existing, pre-code condition.. Existing guards and rails are 30" to 40" in height.
Article 624.0	Fire escapes -- Permission to use Class 1 new and existing fire escapes and connecting balconies. Variance result of existing conditions; proposed plan will meet current egress requirement for existing buildings.

EXHIBIT C - page four

REQUEST FOR PERMISSION TO RECEIVE VARIANCES FROM
BOSTON BUILDING CODE

Article 926.3.1

Balconies, Bay Windows, Porticos, etc. -- Permission
to waive requirement that bay windows be of non-com-
bustible construction.

Variance result of existing, pre-code condition.

Existing bay windows are of wood and sheet metal on
Type 3B occupancy L-2 buildings of 4 stories.

MEMORANDUM

JULY 20, 1972

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: SOUTH END URBAN RENEWAL AREA PROJECT NO. MASS. R-56
REPORT AND DECISION ON CHAPTER 121A APPLICATION
OF NEWCASTLE ASSOCIATES
PARCELS 57 AND 59

SUMMARY: This memorandum requests that the Authority adopt the Report and Decision approving the redevelopment project to be undertaken by Newcastle Associates as proposed in the above-captioned Application.

A public hearing was held by the Authority on April 27, 1972 on the Application of Newcastle Associates. As indicated by the Applicant at the hearing, and as stated in the Application, this proposal calls for the rehabilitation of 105 units of low-moderate income housing in two existing buildings, known as the Saranac and Newcastle Court buildings, located on Columbus Avenue in the South End Urban Renewal Area.

The Project is to be undertaken by Newcastle Associates, a limited partnership to be formed under Chapter 109 of the General Laws. The Report and Decision further authorizes Newcastle Associates to act as an urban redevelopment limited partnership under Chapter 121A. A commitment for both construction and permanent financing has been issued by the Massachusetts Housing Finance Agency.

The 121A Application has been examined and found to contain sufficient evidence in support of the proposed Project to permit the Authority to proceed with the adoption of the attached Report and Decision approving the project.

It is therefore recommended that, pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project to be undertaken by Newcastle Associates.

An appropriate Vote is attached.

Attachment